

Senate File 2011 - Introduced

SENATE FILE 2011
BY COURNOYER

A BILL FOR

1 An Act relating to open enrollment and including applicability
2 provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 282.18, subsection 2, paragraphs a and b,
2 Code 2024, are amended to read as follows:

3 a. A By March 1 of the preceding school year for students
4 entering grades one through twelve, or by September 1 of the
5 current school year for students entering kindergarten or for
6 prekindergarten students enrolled in special education programs
7 and included in the school district's basic enrollment under
8 section 257.6, subsection 1, paragraph "a", subparagraph (1),
9 a parent or guardian shall send notification to the district
10 of residence and the receiving district, on forms prescribed
11 by the department of education, that the parent or guardian
12 intends to enroll the parent's or guardian's child in a public
13 school in another school district. If a parent or guardian
14 fails to file a notification that the parent or guardian
15 intends to enroll the parent's or guardian's child in a public
16 school in another district by the deadline specified in this
17 paragraph, the procedures of subsection 3A apply.

18 b. The board of the receiving district shall enroll the
19 pupil in a school in the receiving district for the following
20 school year unless the receiving district has insufficient
21 classroom space for the pupil. The board of directors
22 of a receiving district may adopt a policy granting the
23 superintendent of the school district authority to approve open
24 enrollment applications. If the request is granted, the board
25 shall transmit a copy of the form to the parent or guardian and
26 the school district of residence within five days after board
27 action, but not later than June 1 of the preceding school year.
28 The parent or guardian may withdraw the request at any time
29 prior to the board's action on the application start of the
30 school year. A denial of a request by the board of a receiving
31 district is not subject to appeal.

32 Sec. 2. Section 282.18, subsection 3, paragraph a, Code
33 2024, is amended to read as follows:

34 a. The superintendent of a district subject to court-ordered
35 desegregation may deny a request for transfer under this

1 section if the superintendent finds that enrollment or release
2 of a pupil will adversely affect the district's implementation
3 of the desegregation order, unless the transfer is requested
4 by a pupil whose sibling is already participating in open
5 enrollment to another district, or unless the request for
6 transfer is submitted to the district in a timely manner as
7 required under subsection 2 prior to implementation of the
8 desegregation order by the district. If a transfer request
9 would facilitate implementation of a desegregation order, the
10 district shall give priority to granting the request over other
11 requests.

12 Sec. 3. Section 282.18, Code 2024, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 3A. *a.* After March 1 of the preceding
15 school year and until the date specified in section 257.6,
16 subsection 1, the parent or guardian shall send notification to
17 the district of residence and the receiving district, on forms
18 prescribed by the department of education, that good cause
19 exists for failure to meet the March 1 deadline. The board of
20 directors of a receiving school district may adopt a policy
21 granting the superintendent of the school district authority to
22 approve open enrollment applications submitted after the March
23 1 deadline. The board of the receiving district shall take
24 action to approve the request if good cause exists. If the
25 request is granted, the board shall transmit a copy of the form
26 to the parent or guardian and the school district of residence
27 within five days after board action. A denial of a request by
28 the board of a receiving district is not subject to appeal.

29 *b.* If a resident district believes that a receiving
30 district is violating this subsection, the resident district
31 may, within fifteen days after board action by the receiving
32 district, submit an appeal to the director of the department
33 of education.

34 *c.* The director of the department of education, or the
35 director's designee, shall attempt to mediate the dispute to

1 reach approval by both boards as provided in subsection 12A.
2 If approval is not reached under mediation, the director or
3 the director's designee shall conduct a hearing and shall hear
4 testimony from both boards. Within ten days following the
5 hearing, the director shall render a decision upholding or
6 reversing the decision by the board of the receiving district.
7 Within five days of the director's decision, the board may
8 appeal the decision of the director to the state board of
9 education under the procedures set forth in chapter 290.

10 NEW SUBSECTION. 3B. Open enrollment applications filed
11 after March 1 of the preceding school year that do not qualify
12 for good cause as provided in subsection 3A shall be subject
13 to the approval of the board of the resident district and
14 the board of the receiving district. The parent or guardian
15 shall send notification to the district of residence and the
16 receiving district that the parent or guardian seeks to enroll
17 the parent's or guardian's child in the receiving district. A
18 decision of either board to deny an application filed under
19 this subsection involving repeated acts of harassment of the
20 student or serious health condition of the student that the
21 resident district cannot adequately address is subject to
22 appeal under section 290.1. The state board shall exercise
23 broad discretion to achieve just and equitable results that are
24 in the best interest of the affected child or children.

25 NEW SUBSECTION. 12A. An application for open enrollment
26 may be granted at any time with approval of the resident and
27 receiving districts.

28 Sec. 4. Section 282.18, subsection 4, Code 2024, is amended
29 to read as follows:

30 4. A request under [this section](#) is for a period of not less
31 than one year. If the request is for more than one year and
32 the parent or guardian desires to have the pupil enroll in a
33 different district, the parent or guardian may petition the
34 current receiving district by March 1 of the previous school
35 year for permission to enroll the pupil in a different district

1 for a period of not less than one year. Upon receipt of such a
2 request, the current receiving district board may act on the
3 request to transfer to the other school district at the next
4 regularly scheduled board meeting after the receipt of the
5 request. The new receiving district shall enroll the pupil
6 in the district unless there is insufficient classroom space
7 in the district or the district is subject to court-ordered
8 desegregation and enrollment of the pupil would adversely
9 affect implementation of the desegregation order. A denial of
10 a request to change district enrollment within the approval
11 period is not subject to appeal. A However, a pupil who has
12 been in attendance in another district under this section
13 may return to the district of residence and enroll at any
14 time, once the parent or guardian has notified the district of
15 residence and the receiving district in writing of the decision
16 to enroll the pupil in the district of residence.

17 Sec. 5. Section 282.18, subsection 9, paragraph a,
18 subparagraph (8), Code 2024, is amended to read as follows:

19 (8) If the pupil participates in open enrollment because
20 of circumstances that meet the definition of good cause. For
21 purposes of this ~~subparagraph~~ section, "good cause" means
22 a change in a child's residence due to a change in family
23 residence, a change in a child's residence from the residence
24 of one parent or guardian to the residence of a different
25 parent or guardian, a change in the state in which the family
26 residence is located, a change in a child's parents' marital
27 status, a guardianship or custody proceeding, placement in
28 foster care, adoption, participation in a foreign exchange
29 program, initial placement of a prekindergarten student in
30 a special education program requiring specially designed
31 instruction, or participation in a substance use disorder or
32 mental health treatment program, a change in the status of a
33 child's resident district such as removal of accreditation
34 by the state board, surrender of accreditation, or permanent
35 closure of a nonpublic school, revocation of a charter school

1 contract as provided in [section 256E.10](#) or [256F.8](#), the failure
2 of negotiations for a whole grade sharing, reorganization,
3 dissolution agreement, or the rejection of a current whole
4 grade sharing agreement, or reorganization plan.

5 Sec. 6. Section 290.1, Code 2024, is amended to read as
6 follows:

7 **290.1 Appeal to state board.**

8 An affected pupil, or the parent or guardian of an affected
9 pupil who is a minor, who is aggrieved by a decision or order
10 of the board of directors of a school corporation in a matter
11 of law or fact, or a decision or order of a board of directors
12 under section 282.18, subsection 3B, may, within thirty days
13 after the rendition of the decision or the making of the order,
14 appeal the decision or order to the state board of education;
15 the basis of the proceedings shall be an affidavit filed with
16 the state board by the party aggrieved within the time for
17 taking the appeal, which affidavit shall set forth any error
18 complained of in a plain and concise manner.

19 Sec. 7. APPLICABILITY. This Act applies to applications
20 and notifications related to open enrollment submitted under
21 section 282.18 on or after the effective date of this Act.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to open enrollment. Current law
26 authorizes a parent or guardian to enroll the parent's or
27 guardian's child in a public school in another school district
28 at any time, subject to certain limited exceptions. The bill
29 establishes that, in order for a parent or guardian to open
30 enroll the parent's or guardian's child, the parent or guardian
31 is required to send a notification to that effect to both the
32 district of residence and the receiving district by March 1
33 of the preceding school year for students entering grades 1
34 through 12, or by September 1 of the current school year for
35 students entering kindergarten or for prekindergarten students

1 enrolled in special education programs and included in the
2 school district's basic enrollment. The bill provides that,
3 if a parent or guardian fails to send the notification when
4 required, the parent or guardian may still be able to open
5 enroll the parent's or guardian's child if "good cause", as
6 defined in Code section 282.18(9)(a)(8), exists for failure to
7 meet the March 1 deadline. If good cause does not exist for
8 failure to meet the March 1 deadline, the bill establishes that
9 open enrollment applications are subject to the approval of the
10 board of the resident district and the board of the receiving
11 district and provides for the right to appeal the decision of
12 either board to the state board of education.

13 The bill provides that an application for open enrollment
14 may be granted at any time with approval of the resident and
15 receiving districts.

16 The bill establishes appeal and mediation mechanisms,
17 involving both the department of education and the state board
18 of education, to resolve disputes between school districts
19 related to applications for open enrollment.

20 The bill applies to applications and notifications related
21 to open enrollment submitted on or after the effective date of
22 the bill.